

FINAL



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Planning Board Meeting

October 16, 2017

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Sam Williams called the meeting to order at 5:30 pm. Planning Board Members Joe McGraw, Elizabeth Morey, David Neal, Jay Russell, Sam Williams, and Town Planner Wes Haskett were present.

II. PLEDGE OF ALLEGIANCE:

Chairperson Williams led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Elizabeth Morey motioned to approve the agenda. Joe McGraw seconded the motion. The motion passed unanimously (5-0).

IV. APPROVAL OF MINUTES:

Chairperson Williams tabled the approval of the September 18, 2017 Planning Board meeting minutes until the November 6, 2017 Special Planning Board meeting.

V. PUBLIC COMMENT:

None.

VI. NEW BUSINESS:

- A. CUP-17-02, a Conditional Use Permit application submitted by Soundside Subs IV, LLC to open a Jersey Mike's Subs restaurant in the Marketplace shopping center located at 5500 N. Croatan Hwy.

Chairperson Williams introduced the application and called on Wes Haskett to present the Staff Report (attached).

Chairperson Williams called on the applicant, Shaun Hayman, to present his application. Shaun Hayman stated that he and his business partner were born and raised on the Outer Banks and are hoping to open their fourth Jersey Mike's Subs restaurant in the area which focuses on food quality. The owners/restaurants are active in the community and have given \$50,000 to local charities between the two restaurants located in Dare County. Improvements to the space in the Marketplace shopping center include installing seating for 39 occupants, updating the bathrooms to be in compliance with the Americans with Disabilities Act, and updating the roof system.

The Board discussed access to the shopping center and parking within the shopping center. Elizabeth Morey stated that there is a potential problem with the western

entrance to the shopping center. Shaun Hayman stated that parking within the shopping center needs to be addressed by the property owners and that ingress and egress should be sufficient given the location of the nearby stop light and the entrance/exit off of Juniper Trail.

Chairperson Williams stated that the floor plan and site plan copies initially provided to the Board were not legible and that the applicant should not submit such documents to the Town for consideration.

Chairperson Williams motioned to recommend to the Town Council that the application was in compliance with findings a. through d. in the Staff Report. Elizabeth Morey seconded the motion. The motion passed unanimously.

Chairperson Williams motioned to recommend approval of the application to the Town Council. Elizabeth Morey seconded the motion. The motion passed unanimously.

VII. OLD BUSINESS:

- A. ZTA-17-05, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 16-5, Section 36-57, Section 36-202, Section 36-203, Section 36-205, Section 36-208, and Section 36-102 to allow living space within accessory structures.

Chairperson Williams stated that the Town Council considered the application at the October 3, 2017 Town Council meeting and unanimously decided that they favored part of the original language and part of the Planning Board's recommended language and have asked that they be combined into one version. The Board discussed the differences and agreed on grammatical changes including revising "stoves or ovens" to "a stove or stoves and/or an oven or ovens".

Chairperson Williams motioned to recommend approval of the application to the Town Council as amended. Jay Russell seconded the motion. The motion passed unanimously.

VIII. PUBLIC COMMENT:

None.

IX. PLANNING BOARD MEMBER COMMENTS:

Jay Russell stated that input should be obtained from the Southern Shores Volunteer Fire Department prior to the Board's consideration of reducing setback requirements for 50 foot wide lots.

X. ANNOUNCEMENTS:

Chairperson Williams announced that the next meeting would be a Special Meeting held on November 6, 2017 to discuss stormwater management as part of Module One of the Town Code Update project. The Board agreed that it would be useful to have the Town Council participate in the discussion of the stormwater issue. Chairman Williams stated that he would invite the Town Council to the next meeting.

XI. ADJOURNMENT:

Jay Russell motioned to adjourn. David Neal seconded the motion. The motioned passed unanimously and the meeting adjourned at 7:00 p.m.

ATTEST:

RESPECTFULLY SUBMITTED:



Sam Williams, Chairperson



Wes Haskett, Town Planner

STAFF REPORT

To: Southern Shores Planning Board
Date: October 12, 2017
Case: CUP-17-02
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Soundside Subs IV, LLC
 P.O. Box 606
 Nags Head, NC 27959

Requested Action: Conditional Use Permit application to open a Jersey Mike's Subs restaurant in the Marketplace shopping center.

PIN #: 986720717057
Location: 5500 N. Croatan Hwy.
Zoning: C, General Commercial

Existing Land Use: "Commercial"

Surrounding Land Use & Zoning:

North- Residential; RS-1, Single-family Residential District
South- U.S. Hwy. 158, Town of Kitty Hawk
East- Commercial; C, General Commercial District
West- Commercial; C, General Commercial District

Physical Characteristics: Developed (Marketplace shopping center)

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant seeks a Conditional Use Permit to open a Jersey Mike's restaurant at 5500 N. Croatan Hwy. The proposed restaurant is to be located in the Marketplace shopping center which currently contains adequate parking spaces to meet the minimum parking requirements for the proposed use and the existing uses. Restaurants are permitted uses in the C, General Commercial zoning district provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan,

and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.

- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

RECOMMENDATION

The Land Use Plan identifies this area as Commercial in the C, General Commercial zoning district which is consistent with the proposed use. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that apply to this application have been identified. Should the Board recommend approval of the application to the Town Council, Town Staff offers the following condition for consideration:

1. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.